

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER; BRYAN AND
CHRISTY REHM; DEBORAH FENIMORE
AND JOEL LIEB; STEVEN STOUGH;
BETH EVELAND; CYNTHIA SNEATH;
JULIE SMITH; AND ARALENE
("BARRIE") D. AND FREDERICK B.
CALLAHAN,

Plaintiffs

vs.

DOVER AREA SCHOOL DISTRICT;
DOVER AREA SCHOOL DISTRICT
BOARD OF DIRECTORS,

Defendants

CIVIL ACTION

No. 4:04-cv-2688

(JUDGE JONES)

(Filed Electronically)

STIPULATION

Plaintiffs and non-party subpoenaed witnesses, Joseph Maldonado and
Heidi Bernhard-Bubb, by their undersigned attorneys, stipulate and agree as
follows:

1. Plaintiffs served a subpoena dated May 4, 2005 on Joseph Maldonado, a correspondent for a newspaper known as the *York Daily Record*, and a subpoena dated May 10, 2005 on Heidi Bernhard-Bubb, a correspondent for a newspaper known as *The York Dispatch*, requiring them to testify at depositions that had been scheduled for June 8, 2005.

2. On June 7, 2005, Mr. Maldonado and Ms. Bernhard-Bubb filed a Motion to Quash Subpoena or For Protective Order (Doc. 71). The scheduled depositions were stayed pending the Court's consideration of the Motion.

3. Subsequently, plaintiffs agreed to accept the affidavits attached to and filed with the Motion in lieu of deposition testimony, with a minor change that would incorporate an additional news article. *See* Motion, § 14.

4. The affidavits, as modified, are attached to and filed with this Stipulation.

5. The Motion (Doc. 71) and the subpoenas dated May 4, 2005 and May 10, 2005 directed to Joseph Maldonado and Heidi Bernhard-Bubb are withdrawn as moot.

6. Plaintiffs enter into this Stipulation without prejudice to their subpoenaing Mr. Maldonado and Ms. Bernhard-Bubb to testify at trial.

7. The non-party subpoenaed witnesses, Joseph Maldonado and Heidi Bernhard-Bubb, enter into this Stipulation without prejudice to their rights to

object to any subsequent subpoena(s) issued by Plaintiffs commanding Mr. Maldonado and/or Ms. Bernhard-Bubb to testify at trial.

/s/ Eric Rothschild

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Subpoenaed Witnesses:
Joseph Maldonado and
Heidi Bernhard-Bubb

APPROVED AND SO ORDERED:

John E. Jones III
United States District Judge

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2005, I caused a copy of the foregoing document to be served upon the following counsel by the Middle District ECF system and/or FAX and other counsel of record by the Middle District ECF system:

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